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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,994	08/02/2001	Rui Xie	D-6400 CIP	8016

7590 01/15/2009
Crompton Corporation
Benson Road
Middlebury, CT 06749

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/15/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/919,994	Applicant(s) XIE ET AL.	
	Examiner Rabon Sergeant	Art Unit 1796	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 22 October 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Rabon Sergeant/
Primary Examiner, Art Unit 1796

Continuation of 10.: With respect to Item 2, the appeal brief fails to specifically identify the claims being appealed. The statement that all final rejections are appealed is insufficient to comply with 37 CFR 41.37.

With respect to Item 4, appellants' "Summary of the Invention" fails to comply with 37 CFR 41.37 as it pertains to section (v) requiring a Summary of the Claimed Subject Matter. Appellants' summary fails to set forth subject matter of the same scope as that of independent claim 34, and accordingly fails to adequately map each limitation of the claim to the specification. It is improper to reference subject matter not claimed or comparative data.

With respect to Item 5, the Grounds of Rejection to be Reviewed on Appeal fails to comply with 37 CFR 41.37, because appellants' first referenced ground of rejection, pertaining to the interpretation of "consisting of", does not correspond to a specific rejection set forth by the examiner.

With respect to Item 6, the Argument fails to comply with 37 CFR 41.37, because the arguments set forth by appellants within Item 1 do not correspond to a rejection set forth by the examiner. While appellants may set forth such arguments to specifically respond to the prior art rejections of record, wherein each ground of rejection is treated under a separate heading, it is improper to set forth such arguments separately outside the formal context of a rejection set forth by the Office.